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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

LAURI VALJAKKA,

Plaintiff,

v.

NETFLIX, INC.,

Defendant.

Case No.: 4:22-cv-01490-JST

**DECLARATION OF RACHAEL D.  
LAMKIN ISO NETFLIX, INC.'S  
MOTION TO AMEND ITS  
COUNTERCLAIM TO ADD A SINGLE  
CUVTA COUNTERCLAIM**

Judge: Hon. Jon S. Tigar

I, Rachael D. Lamkin, declare as follows:

1. I am a partner with the law firm of Baker Botts L.L.P. and counsel of record for Defendant Netflix, Inc. in the above-captioned matter.

2. I am admitted to practice in federal court in California, Colorado, the Eastern and Western Districts of Texas, and the Federal Circuit, the International Trade Commission, the Court of International Trade, and this Honorable Court.

3. I have personal knowledge of the facts stated herein and if called as a witness, I could and would testify thereto.

4. I make this Declaration in support of Netflix's motion to amend its answer to add a single CUVTA counterclaim.

1           5.       Attached as Exhibit A to the accompanying Motion is a true and correct copy of the  
2 proposed amended counterclaim in redline.

3           6.       The recounting of the Parties' meet and confer process for this motion is set forth in  
4 my declaration in support of Netflix's Motion For Preliminary Injunction.

5           7.       I was hired in late July 2023 to assist Netflix's trial team in this matter.

6           8.       At the time, and immediately before, Netflix's current counsel was diligently absorbed  
7 with (i) discovering and pleading inequitable conduct against Mr. Valjakka (Dkt. No. 101), (ii) expert  
8 reports, (iii) mediation, (iv) amending its damages contentions, and (v) drafting summary judgment  
9 motions (Dkt. Nos. 101-124).

10          9.       I was asked to take another look at certain documents to assist in their efforts and in  
11 my own preparations.

12          10.      In so doing, I was struck by the unusual language of the just-obtained English  
13 translations of the CDN licenses, and the admissions related to those licenses in Mr. Valjakka's  
14 deposition testimony.

15          11.      Together, Netflix's trial team realized that Mr. Valjakka had established a fraudulent  
16 series of transactions, likely to avoid paying his creditors. We quickly reviewed the evidence, Netflix's  
17 remedies, and the California Uniform Voidable Transactions Act.

18          12.      Upon deep review of CUVTA, its progeny, and the facts of this case, we realized the  
19 risk to Netflix, and contacted Mr. Valjakka to ask for a meet and confer regarding Netflix's CUVTA  
20 claim.

21          13.      We drafted and filed the attached counterclaim and Motion For Preliminary Injunction  
22 with diligent haste.

23               I declare under penalty of perjury under the laws of the United States of America and the State  
24 of California that the foregoing is true and correct.

25               Executed on this 21st day of August, 2023 in San Francisco, California.

26  
27  
28                               By: /s/ Rachael D. Lamkin  
                                      Rachael D. Lamkin